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7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 v.
10 TIMBERLY E. HUGHES,
11 Defendants.

Case No. 18-cv-05931-JCS

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13 **ORDER REGARDING OBJECTION**
14 Re: Dkt. No. 49

15 On March 5, 2020, Defendant Timberly Hughes, pro se, filed a “motion for a fair and
16 impartial hearing.” That motion read, in its entirety, as follows:

17 Defendant moves this court for a fair and impartial hearing and in
18 support of this motion, sets forth the following facts upon which the
19 defendant determined that this motion was necessary.

20 Judge Joseph C. Spero has already expressed his prejudice in this case
21 at a hearing as described in the attached affidavit by stating that he
22 had already decided the defendant’s actions were willful and that the
23 court could not likely be convinced otherwise. This was stated
24 without any evidentiary hearing and before the defendant even
25 answered the complaint or any discovery was undertaken and before
26 there was even any pre-trial conference.

27 The defendant sincerely believes that she cannot have a fair and
28 impartial hearing before this judge; however, she is asking the court
29 to provide her with a fair and impartial hearing that includes a
30 competent and careful examination of all the facts before making any
31 determinations.

32 Mot. for Hearing (dkt. 40). The motion was supported by an affidavit in which Hughes recounted
33 what she viewed as indicia of bias by the Court. *See id.* The Court construed the motion as
34 seeking recusal, and denied it, primarily because a court’s view on the merits of a case, as

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1 presented by the parties, is not bias. *See Order Denying Mot. for Hearing* (dkt. 47).¹

2 Hughes has now filed an “objection” to the Court’s order, which reads as follows:

3 The defendant demands that the judge (magistrate) presiding over this
4 case, Hon. Joseph C. Spero, not recuse himself and states that the
defendant never contemplated requesting that the judge disqualify
himself from the case.

5 The judge has demonstrated his bias and prejudice against the
6 defendant; however, the defendant demands that this judge continue
7 to preside over this case and make his rulings, and further, that the
defendant requests that this court provide a fair and impartial hearing
8 for all hearings until the conclusion of this case.

9 Additionally, the defendant advises this court that the court is not
10 authorized to make motions in behalf of the defendant and make
motions in behalf of the defendant [sic] without the defendant’s
consent or request.

11 It is quite obvious that this court has already pre-judged this case, as
one can plainly see by the legal and factual conclusions and even
arguments written into the court’s orders or [sic] March 31.

12 Objection (dkt. 49).

13 As a starting point, no applicable procedural rule authorizes a party to file “objections” to
court orders. If Hughes believes an order of this Court contains error, she may in appropriate
circumstances bring a motion as authorized by this Court’s local rules or the Federal Rules of
Civil Procedure, or file an appeal after entry of final judgment. Any future “objections” to orders
will be disregarded.

14 Moreover, Hughes does not seek any particular relief beyond this Court’s duty to resolve
every case before it without bias. The Court will resolve any decisions before it based on the law,
the evidence presented, and the parties’ arguments. To the extent that Hughes’s motion and
objection could be construed as asking the Court to refrain from discussing the merits of the case
with the parties in open court, that request is DENIED.

15 Hughes, who is representing herself, is encouraged to contact the Federal Pro Bono
Project’s Pro Se Help Desk for assistance as she continues to defend this case. Lawyers at the
Help Desk can provide basic assistance to parties representing themselves but cannot provide legal

28 ¹ *United States v. Hughes*, No. 18-cv-05931-JCS, 2020 WL 1531374 (N.D. Cal. Mar. 31, 2020).

1 representation. In-person appointments are not currently available due to the COVID-19 public
2 health emergency, but Hughes may contact the Help Desk at 415-782-8982 or FedPro@sfbar.org
3 to schedule a telephonic appointment

4 **IT IS SO ORDERED.**

5 Dated: May 12, 2020

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7 JOSEPH C. SPERO
Chief Magistrate Judge